

Reply To:

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June 12, 2015

Fourth Circuit Court of Appeals

Re: Smith v. Munday, et. al. 15-1092 (lead) and 15-1496

To Whom It May Concern:

Pursuant to information provided by the case manager assigned to this action, I am providing this letter and filing it with the Court to inform the Court that I will be on vacation from June 15 until June 26, 2015.

Pursuant to Federal Rule of Appellate Procedure 30 and this Court's Order, the Appendix is due to be filed by counsel for April Smith on June 16, 2015. Because I had not heard from counsel for appellant, and based on the requirements outlined in the local rules for the Fourth Circuit, Rule 30(c), on June 5, 2015, I contacted counsel for appellant to inform him I would be on vacation as outlined above and to also inform him I would be out of the office meeting with clients for trial preparation at various prison facilities across the state between June 10-12, but left him my cell phone number. I requested he please contact me concerning the appendix. Appellant's counsel contacted me Wednesday June 10 only requesting my consent to his motion for a deferred appendix. I provided initially that I needed to consult with my section head, but I also included in my response what I wanted included in the appendix. I spoke with counsel for

appellant on Friday June 12, 2015, where I confirmed I would not object to his request for a deferred motion. Counsel further requested my input on a motion to extend deadlines for the briefs. I likewise provided that I would not object to such a motion made by him.

Counsel represented he would file such a motion on the first day of my vacation, June 15, 2015. Therefore, outside of a motion requesting an extension of time and for a deferred appendix, no other action by appellant has my consent at this time, including the filing of an appendix, unless it specifically includes the documents as I outlined in my communication with him. Should the Court have any further questions, my paralegal, Lauren can reach me and her contact information is provided above.

Sincerely,

/s/ Donna Elizabeth Tanner

Donna Elizabeth “Beth” Tanner
Assistant Attorney General